

106TH CONGRESS
1ST SESSION

S. 1408

To amend the Small Business Investment Act of 1958 to promote the cleanup of abandoned, idled, or underused commercial or industrial facilities, the expansion or redevelopment of which are complicated by real or perceived environmental contamination, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 1999

Mr. JEFFORDS (for himself, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Small Business

A BILL

To amend the Small Business Investment Act of 1958 to promote the cleanup of abandoned, idled, or underused commercial or industrial facilities, the expansion or redevelopment of which are complicated by real or perceived environmental contamination, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Business
5 Brownfields Redevelopment Act of 1999”.

1 **SEC. 2. SMALL BUSINESS DEVELOPMENT COMPANY PRO-**
 2 **GRAM SET-ASIDE FOR BROWNFIELD PREVEN-**
 3 **TION AND REDEVELOPMENT.**

4 Section 504 of the Small Business Investment Act
 5 of 1958 (15 U.S.C. 697a) is amended by adding at the
 6 end the following:

7 “(c) SET-ASIDE FOR BROWNFIELD PREVENTION
 8 AND REDEVELOPMENT PROJECTS.—

9 “(1) IN GENERAL.—Of the amount authorized
 10 for financings under this section in each fiscal year,
 11 the Administration shall set aside the lesser of
 12 \$50,000,000 or 10 percent, which shall be used by
 13 qualified State and local development companies to
 14 finance projects that assist qualified small busi-
 15 nesses (or prospective owners or operators of quali-
 16 fied small businesses) in—

17 “(A) carrying out site assessment and
 18 cleanup activities at brownfield sites or at sites
 19 contaminated with petroleum; and

20 “(B) acquiring new, clean technologies and
 21 production equipment.

22 “(2) DEFINITIONS.—In this subsection—

23 “(A) the term ‘brownfield site’ has the
 24 meaning given that term in section 321(d);

25 “(B) the term ‘site assessment’ means any
 26 investigation of a site determined to be appro-

priate by the President and undertaken pursuant to section 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(b));

“(C) the term ‘qualified small business’ means a small business—

“(i) that—

“(I) has acquired a brownfield site; or

“(II) uses, in the course of doing business, any hazardous substance (as defined in section 101(14) of such Act (42 U.S.C. 9601(14))); and

“(ii) that has limited or no access to capital from conventional sources, as determined by the Administration; and

“(D) the term ‘qualified State or local development company’ has the meaning given that term in section 503(e).”.

SEC. 3. PROMOTION OF SMALL BUSINESS INVESTMENT COMPANIES FOR BROWNFIELD ACTIVITIES.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

1 **“SEC. 321. SMALL BUSINESS INVESTMENT COMPANIES FOR**
2 **BROWNFIELD ACTIVITIES.**

3 “(a) ESTABLISHMENT OF CERTAIN SMALL BUSINESS
4 INVESTMENT COMPANIES.—The Administration shall pro-
5 mote the establishment of 1 or more small business invest-
6 ment companies, the primary purpose of which is to
7 finance—

8 “(1) cleanup activities for brownfield sites or
9 sites contaminated with petroleum, including those
10 that use innovative or experimental cleanup tech-
11 nologies; or

12 “(2) projects that assist small businesses in
13 cleaning up the facilities owned or operated by those
14 small businesses and adopting new, clean tech-
15 nologies.

16 “(b) AUTHORITY TO WAIVE CERTAIN FEE.—The
17 Administration may waive any filing fee otherwise re-
18 quired by the Administration under this title with respect
19 to any small business investment company described in
20 subsection (a).

21 “(c) SET-ASIDE.—Notwithstanding any other provi-
22 sion of this title, of the amount authorized for purchases
23 of participating securities and guarantees of debentures
24 under this title in each fiscal year, the Administration
25 shall set aside the lesser of \$2,000,000 or 10 percent,

1 which shall be used to provide leverage to any small busi-
2 ness investment company described in subsection (a).

3 “(d) BROWNFIELD SITE DEFINED.—In this section,
4 the term ‘brownfield site’ means an abandoned, idled, or
5 underused commercial or industrial facility, the expansion
6 or redevelopment of which is complicated by real or per-
7 ceived environmental contamination.”.

